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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,484	07/16/2003	Stan E. Leigh	200312110-1	2585
22879	7590	11/18/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			VORTMAN, ANATOLY	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/621,484

Applicant(s)

LEIGH ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/8/03 ✓

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 12-24, are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on 10/18/04. Claims 1-11 and 25-37 will be examined on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 provides for the use of the fuse structure, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process Applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-37, are rejected under 35 U.S.C. 102(b) as being anticipated by US/1,441,550 to Weston.

Regarding claim 1-4, 25, 36, and 37, Weston disclosed, (Fig. 1) a fuse structure (1) a first region (means) (5) adapted to be coupled to a voltage source; a second region (means) (5) adapted to be coupled to a ground; and a current flow region (4) (means for forming a void and causing localized heating) disposed between said first and second regions (5), said current flow region asymmetrically shaped about an axis that is essentially parallel to the direction of current flow through said current flow region (4), said current flow region (4) having a configuration that defines a recess (3) extending from one side of said current flow region (4) into said current flow region (4), wherein the configuration of the current flow region (4) inherently causes a void to be opened at a point of localized heating due to current crowding at a point adjacent said void and within said current flow region (4) and that causes said void to propagate across said current flow region (4).

Regarding claims 5-8 and 26-29, Weston disclosed (Fig. 1) that said recess (3) is substantially triangular or trapezoidal in shape and is substantially symmetrical in shape about an

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axis that is essentially orthogonal to the direction of the current flow, wherein said recess (3) extends more than approximately halfway across said current flow region (40).

Regarding claims 9,10, 30, and 31, Weston disclosed (Fig. 1) that said recess (3) defines a substantially straight edge extending essentially orthogonal into said current flow region (4), wherein said edge faces toward the direction of current flow and/or away from it.

Regarding claim 11, the claim sets forth a use for the fuse structure. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed (i.e. in a replaceable printer component) does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Therefore, the claim has not been given patentable weight.

Regarding claims 32-35, the method steps recited in the claims are inherently necessitated by the device structure as disclosed by Weston.

6. Alternatively, claims 1-37 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US/4,682,140 to Diaz-Noriega.

Diaz-Noriega disclosed (Fig. 2, 4) a fuse structure as recited in the claims including a current flow region (Fig. 2) defined by a recess (14, 16).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

US/4331947, 3524157, 3413586, 2682587, 4689598, 4751490, 5898357, 6384708, 6542064, 3417357, 4349804, and 4544907, disclosed electrical fuses comprising fusible elements having current flow regions with reduced cross-sectional areas.

US/2002/0060350, 6433404, and 5420456 disclosed fuses with current crowding phenomena.

The Examiner would like to direct the Applicant's attention to the fact that from the aforementioned references at least US/4331947, 3524157, and 3413586 could have been also used for rejection under 35 USC 102 of at least independent claims pending in the instant application.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AV

A handwritten signature in cursive script, appearing to read "A. Vortman", followed by a horizontal line.

Anatoly Vortman
Primary Examiner
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